

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES EDWARD WALLACE,
Plaintiff,
v.
ACOSTA,
Defendant.

Case No. 1:21-cv-01275-DAD-EPG (PS)

ORDER FINDING SERVICE OF FIRST
AMENDED COMPLAINT
APPROPRIATE, AND FORWARDING
SERVICE DOCUMENTS TO
PLAINTIFF FOR COMPLETION AND
RETURN WITHIN THIRTY DAYS

(ECF NO. 9)

Plaintiff James Edward Wallace is a pretrial detainee and proceeds *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. (ECF Nos. 1, 3, 9).

Plaintiff filed a first amended complaint on October 25, 2021. (ECF No. 9).

On November 12, 2021, the Court screened Plaintiff's first amended complaint and found cognizable claims of excessive force and medical needs against Defendant Acosta. (ECF No. 10). Plaintiff filed no objections, and the District Judge adopted the findings and recommendations in full on January 12, 2022, referring the case back for further proceedings. (ECF No. 11).

The Court finds the first amended complaint appropriate for service of process. Accordingly, it is HEREBY ORDERED that:

1. Service is appropriate for the following Defendant:

1 a. *Acosta, an Officer with the Lemoore Police Department on or around July 28, 2021.*

2 2. The Clerk of Court shall send Plaintiff one (1) USM-285 form, one (1) summons, a
3 Notice of Submission of Documents form, an instruction sheet, and a copy of the first amended
4 complaint filed on October 25, 2021 (ECF No. 9);

5 3. Within thirty (30) days from the date of service of this order, Plaintiff shall complete
6 the attached Notice of Submission of Documents and submit the completed Notice to the Court
7 with the following documents:

8 a. A completed summons for Defendant;

9 b. A completed USM-285 form for Defendant; and

10 c. Two (2) copies of the endorsed first amended complaint filed on October 25, 2021;

11 4. Plaintiff need not attempt service on Defendant and need not request waiver of service.

12 Upon receipt of the above-described documents, the Court will direct the United States Marshals
13 Service to serve the above-named Defendant pursuant to Federal Rule of Civil Procedure 4
14 without payment of costs; and

15 5. Failure to comply with this order may result in the dismissal of this action.

16 IT IS SO ORDERED.

17 Dated: January 13, 2022

/s/ Euan P. Gray

18 UNITED STATES MAGISTRATE JUDGE